

Exhibit “A”

Affidavit

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DEBRA JOYCE CLACKER, #159516,

)

Plaintiff,

)

v.

CIVIL ACTION NO.
2:06-CV-172-WHA

GLADYS DEESE, FRANK ALBRIGHT
and DR. SAMUEL ENGLEHARDT,

)

Defendants.

)

AFFIDAVIT OF SAMUEL ENGLEHARDT, M.D.

STATE OF ALABAMA

)

COUNTY OF MONTGOMERY

)

Before me, the undersigned Notary Public, personally appeared SAMUEL ENGLEHARDT, M.D. who, after being duly sworn, states as follows:

1. My name is Samuel Englehardt, M.D. I am over the age of nineteen (19) years, and I have personal knowledge of the information contained in this affidavit.
2. I am a licensed physician in the state of Alabama. I am currently employed by as a physician at Julia Tutwiler Prison for Women (“Tutwiler”).
3. Debra Joyce Clackler (“Clackler”) is an inmate currently incarcerated at Tutwiler.
4. On or about February 24, 2006, Clackler filed a Complaint, initiating this civil action against me. A true and correct copy of the Complaint initiating this civil action is attached hereto as **Exhibit “1.”**
5. As of the date of this Motion, Clackler has not served me with the Complaint. Rather, the Certified Mail Return Receipt shows that an individual named “Susie Mims” signed the Certified Mail Return Receipt on March 21, 2006.

6. I do not recall ever being introduced to, meeting or otherwise knowing any individual by the name of "Susie Mims." I do not know where "Susie Mims" lives or works. I do not recall ever communicating with an individual by the name of "Susie Mims" in person, in writing, via telephone or by any other means.

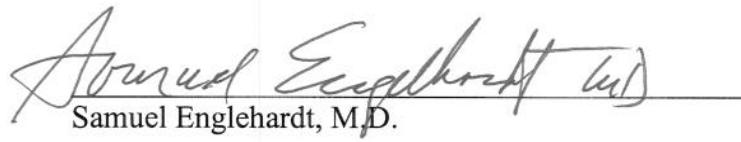
7. No individual by the name of "Susie Mims" ever notified me that she had signed a Certified Mail Return Receipt or received any mail or package addressed to me. I did not authorize any individual to accept service of process of the Summons and Complaint on my behalf. "Susie Mims" was not authorized in any way by me to accept service of the Summons and Complaint on my behalf at any time, including March 21, 2006 (the date on which "Susie Mims" apparently signed the Certified Mail Return Receipt).

8. I learned of the filing of this action when I was contacted by undersigned counsel on or about April 10, 2006. At no time prior to April 10, 2006, had I received by mail, facsimile, hand-delivery, Federal Express or any other means any copy of the Summons and Complaint in this action.

9. I have not attempted in any way to avoid service of process or otherwise evade the jurisdiction of the Court presiding over this action. I have maintained my normal work schedule since the filing of this action and have not refused any mail or other deliveries of any kind sent to my attention at Tutwiler or at my residence.

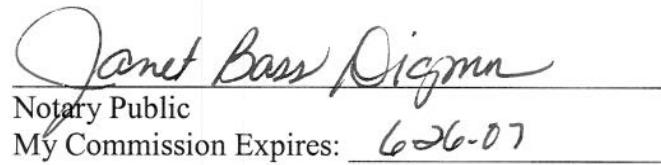
Further affiant saith not.

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Samuel Englehardt, M.D.

SWORN TO and SUBSCRIBED before this the 27 day of April, 2006.

(SEAL)


Notary Public
My Commission Expires: 6-26-07